

A CONFIRMING RESOLUTION amending the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4420 Clubview Drive, Fort Wayne, Indiana 46804 (L.H. Carbide Corporation).

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution number R-61-92 the following described property as an "Economic Revitalization Area" under then Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana which has since been recodified as Section 153.02 of the Municipal Code of the City of Fort Wayne, Indiana, of 1993, as amended and I.C. 6-1.1-12.1, to wit:

The legal description for the property commonly known as 4420 Clubview Drive, Fort Wayne, Indiana is attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, L.H. Carbide submitted an application for Economic Revitalization Area status to the City of Fort Wayne through its Department of Economic Development on October 1, 1992; and

WHEREAS, L.H. Carbide stated in both its "Application to the City of Fort Wayne, Indiana for Designation of Property as an 'Economic Revitalization Area' and Statement of Benefits" and its attached "Statement of Benefits" that the expected date for completion of installation of personal property was the fourth quarter of 1995; and

WHEREAS, it is the policy of the Fort Wayne Common Council to grant a designation period which will encompass the length of time an applicant states is needed to properly install equipment or construct structures proposed for designation; and

WHEREAS, a designation period of three years is normal policy of the Fort Wayne Common Council in order to encompass the length of time L.H. Carbide stated it would need for proper installation of its equipment; and

1 **WHEREAS**, in reviewing files for said L.H. Carbide project it
2 was found that a scrivener's error had been made with regard to the
normal designation period granted to L.H. Carbide; and

3 **WHEREAS**, said scrivener's error was not in keeping with Fort
4 Wayne Common Council's policy regarding the normal designation
5 period given to projects; and

6 **WHEREAS**, Fort Wayne Common Council amended Confirming
7 Resolution No. R-61-92 with Confirming Resolution No. R-31-94 in
8 order to correct said scrivener's error and to conform to Fort
9 Wayne Common Council policy regarding the normal designation period
10 given to projects; and

11 **WHEREAS**, the Indiana State Board of Tax Commissioners did not
12 recognize Amended Confirming Resolution No. R-31-94 causing L.H.
13 Carbide to be unable to receive deductions from the assessed value
14 of real and personal property as intended by the Fort Wayne Common
15 Council; and

16 **WHEREAS**, the 109th Session of the Indiana General Assembly did
17 enact Senate Enrolled Act No. 313 amending I.C. 6-1.1-12.1-1(b)
18 effective July 1, 1995; and

19 **WHEREAS**, I.C. 6-1.1-12.1-1(b) allows a designating body's
20 actions taken after February 1, 1991 and before July 1, 1995, in
21 (1) designating an economic revitalization area; or (2) approving
22 a statement of benefits or making required findings of fact after
23 the initiation of the: (A) redevelopment; (B) installation of new
24 manufacturing equipment; or (C) rehabilitation; for which the
25 person desires to claim a deduction under I.C. 6-1.1-12.1 to be
26 legal and valid; and

27 **WHEREAS**, Confirming Resolution No. R-31-94 did amend
28 Confirming Resolution No. R-61-92 and was undertaken after February
29 1, 1991 and before July 1, 1995; and

30 **WHEREAS**, it is in the public interest of the City of Fort
31 Wayne to legalize and validate said amending resolution; and

32 **WHEREAS**, notice of the adoption and substance of said

Resolution has been published in accordance with I.C. 6-1.1-12.1-
2.5 and I.C. 5-3-1 and a public hearing has been conducted on said
Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the
above described property as an "Economic Revitalization Area" is
again confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby
declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-
12.1, said designation to begin on the original effective date of
Confirming Resolution No. R-61-92 and continue for a three year
period thereafter.

SECTION 3. That, said designation of the hereinabove
described property as an "Economic Revitalization Area" shall apply
to both a deduction of the assessed value of real estate and
personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals
that will be employed or whose employment will be retained and the
estimate of the annual salaries of those individuals and the
estimate of the value of redevelopment or rehabilitation and the
estimate of the value of the new manufacturing equipment, all
contained in Petitioner's Statement of Benefits are reasonable and
are benefits that can be reasonably expected to result from the
proposed described redevelopment or rehabilitation and from the
installation of the new manufacturing equipment.

SECTION 5. Pursuant to I.C. 6-1.1-12.1, it is hereby
determined that the deduction from the assessed value of the real
property shall be for a period of ten (10) years, and that the
deduction from the assessed value of the new manufacturing
equipment shall be for a period of five (5) years.

SECTION 6. The benefits described in the Petitioner's
Statement of Benefits can be reasonably expected to result from the

project and are sufficient to justify the applicable deductions.

1 **SECTION 7.** For new manufacturing equipment, a deduction
2 application must contain a performance report showing the extent to
3 which there has been compliance with the Statement of Benefits form
4 approved by the Fort Wayne Common Council at the time of filing.

5 **SECTION 8.** For real property, a deduction application must
6 contain a performance report showing the extent to which there has
7 been compliance with the Statement of Benefits form approved by the
8 Fort Wayne Common Council at the time of filing. This report must
9 be submitted to both the Allen County Auditor's Office and the City
10 of Fort Wayne's Department of Economic Development and must be
11 included in the deduction application. For subsequent years, the
12 performance report must be updated within sixty days after the end
13 of each year in which the deduction is applicable.

14 **SECTION 9.** The performance report must contain the following
15 information:

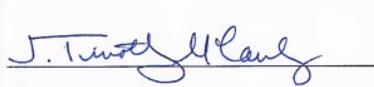
- 16 A. The cost and description of real property improvements
17 and/or new manufacturing equipment acquired.
- 18 B. The number of employees hired through the end of the
19 preceding calendar year as a result of the deduction.
- 20 C. The total salaries of the employees hired through the end
21 of the preceding calendar year as a result of the
22 deduction.
- 23 D. The total number of employees employed at the facility
24 receiving the deduction.
- 25 E. The total assessed value of the real and/or personal
26 property deductions.
- 27 F. The tax savings resulting from the real and/or personal
28 property being abated.

29 **SECTION 10.** That, this Resolution shall be in full force and
30 effect from and after its passage and any and all necessary
31 approval by the Mayor.



Member of Council

29 APPROVED AS TO FORM AND LEGALITY

30 
31 J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Gia Quinta,
seconded by , and duly adopted, read the second time by
title and referred to the Committee on Finance (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on , the day
of , 19 , at o'clock M., E.S.T.

DATED: 9-12-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta,
seconded by , and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>			<u>1</u>
<u>BRADBURY</u>	<u> </u>			<u> </u>
<u>EDMONDS</u>	<u> </u>			
<u>GiaQUINTA</u>	<u> </u>			
<u>HENRY</u>	<u> </u>			
<u>LONG</u>	<u> </u>			
<u>LUNSEY</u>	<u> </u>			
<u>RAVINE</u>	<u> </u>			
<u>SCHMIDT</u>	<u> </u>			
<u>CALARICO</u>	<u> </u>			

DATED: 9-26-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. B-61-95
on the 26th day of September, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
ANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Don J. Schmidt

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
he 27th day of September, 1995,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of September,
995, at the hour of 5:15 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. R-95-09-11

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - CHAIR
MARK E. GIAQUINTA - VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) amending the designation
of an "Economic Revitalization Area" under I.C. 6-1-12.1 for property
commonly known as 4420 Clubview Drive, Fort Wayne, Indiana 46804
(L.H. Carbide Corporation)

[REDACTED LINES]

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS DO NOT PASS ABSTAIN NO REC

John J. Johnson
Henry Drey
Clela Caprice
Sam Talarico
Del
Clitus R. Edmonds
[REDACTED LINES]

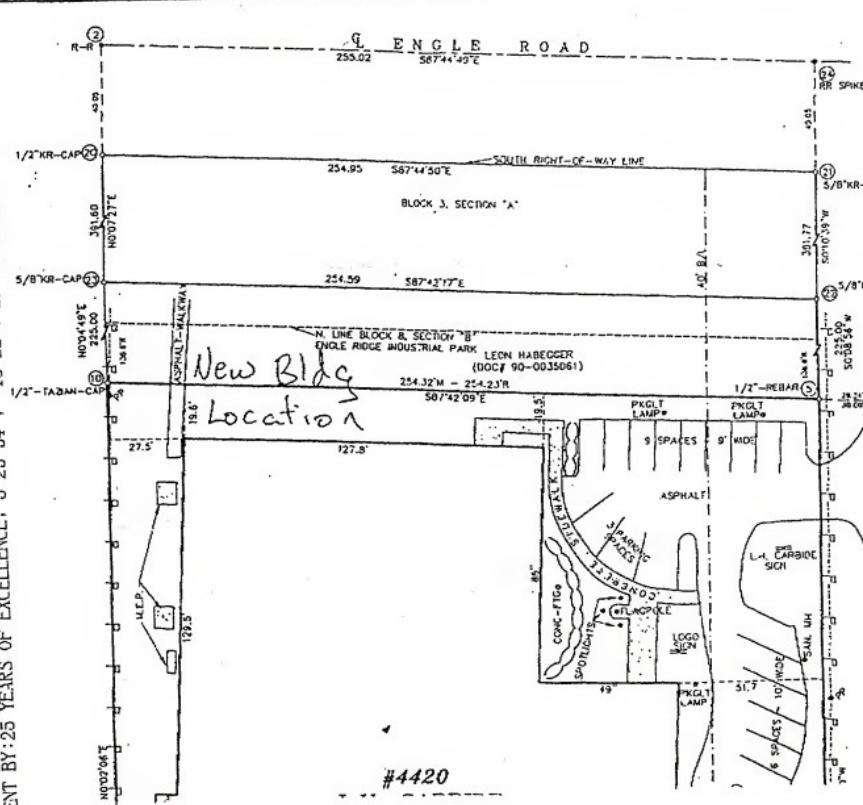
[REDACTED LINES]

DATED: 9-26-95

Sandra E. Kennedy
City Clerk

Exhibit A

ENT BY 25 YEARS OF EXCELLENCE; 3-29-94 ; 15:22 ; L. H. CARBIDE CORP. - 219 427 1s.





MEMORANDUM

TO: Common Council Members

FROM: Beth Neu,
Director, Dept. of Economic Development

DATE: Sept. 8, 1995

RE: Resolution amending a previous Economic Revitalization Area designation for L.H. Carbide Corporation

Background

Q - 95-09-11

Description of Project: The property commonly known as 4420 Clubview Drive, Fort Wayne, Indiana was previously designated an "Economic Revitalization Area" for a period of one year due to a scriveners error, when it should have been a three year designation period. The State Board of Tax Commissioners, would not accept the previous resolution passed by the Common Council amending Resolution R-61-92, until the Indiana General Assembly passed Senate Enrolled Act 313 this year. Since this act has been passed, the company now needs a new amended resolution from the Common Council in order to receive the actual tax abatement.

Effect of Passage

Will allow L.H. Carbide to receive the tax abatement as originally intended.

Effect of Non-Passage

The company will file a suit in tax court.

Staff Recommendation

The amended resolution should be passed as written allowing the designation period to remain in place through the end of 1995.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Confirming Resolution (Amending Resolution R-61-92)

DEPARTMENT REQUESTING ORDINANCE Department of Economic Development

SYNOPSIS OF ORDINANCE L. H. Carbide requested an Economic Revitalization Area designation in 1992 to allow them to apply for tax abatement for three years. Originally, City Council approved it for only one year, but then noting the "scrivener's error" amended the resolution in 1994 to allow the designation period to remain through the end of 1995. However, the Indiana State Board of Tax Commissioners would not recognize the amended resolution and requested that City Council pass another Amended Resolution citing Senate Enrolled Act 313 which was passed by the Indiana General Assembly this year.

EFFECT OF PASSAGE Will allow the company to apply for the tax abatement as originally planned and comply with the demands of the Indiana State Board of Tax Commissioners.

EFFECT OF NON-PASSAGE State Board of Tax Commissioners may deny request and company will have to file a suit in tax court.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Company will realize tax savings of approximately \$100,000.

ASSIGNED TO COMMITTEE (PRESIDENT) Donald J. Schmidt
